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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,584	07/06/2001	Takehiko Nakano	SONYJP 3.0-187	4124

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LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP  
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EXAMINER
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CERVETTI, DAVID GARCIA

ART UNIT	PAPER NUMBER
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2136

MAIL DATE	DELIVERY MODE
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05/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/900,584	<b>Applicant(s)</b> NAKANO, TAKEHIKO	
	<b>Examiner</b> David G. Cervetti	<b>Art Unit</b> 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8 and 10-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's arguments filed February 26, 2007, have been fully considered but they are not persuasive.
2. Claims 1, 2, 4-6, 8, and 10-15 are pending and have been examined. Claims 3, 7, and 9 have been cancelled.

### ***Response to Amendment***

3. Applicant's arguments with respect to the prior art have been considered but are moot in view of the new ground(s) of rejection.

### ***Continued Examination Under 37 CFR 1.114***

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2136

6. **Claims 1, 2, 4-6, 8, and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (US Patent 6,950,941, hereinafter Lee).**

**Regarding claims 1, 4, and 5, Lee teaches**

- an information processing apparatus for carrying out secure transmission of content to another apparatus over a network, said information processing apparatus comprising **(abstract)**:
- an encryption unit operable to encrypt the content **(col. 7, lines 1-45)**;
- an authentication unit operable to receive authentication information from the another apparatus when the another apparatus requests permission to receive the encrypted content, and to determine whether the authentication information is valid **(abstract)**;
- a first obtaining unit operable to obtain identification information of the another apparatus from the authentication information when the authentication information is valid and to determine whether the identification information of the another apparatus is already stored in a storage unit **(col. 7, lines 46-67, col. 8, lines 1-50)**;
- a transmitting unit operable to transmit a decryption key needed to decrypt the encrypted content to the another apparatus when the authentication information is valid and a count of a total number of apparatuses having permission to receive the encrypted content is less than a maximum value **(abstract, col. 8, lines 43-67)**;

- a first counting unit operable to increment by one the count of the total number of apparatuses having permission to receive the encrypted content when the identification information of the another apparatus is not already stored in said storage unit and the count of the total number of apparatuses having permission to receive the encrypted content is less than the maximum value (**abstract, col. 9, lines 54-67**);
- said storage unit being operable to store the identification information of the another apparatus when the identification information of the another apparatus is not already stored in said storage unit (**col. 8, lines 20-55**); and
- an information updating unit operable to delete the identification information stored in said storage unit and to reset the count of the total number of apparatuses having permission to receive the encrypted content when the decryption key needed to decrypt the encrypted content is changed (**col. 9, lines 54-67, col. 10, lines 1-45**).

**Regarding claims 6, 10, and 11, Lee teaches**

- an information processing apparatus for carrying out secure receiving of content from a first apparatus over a first network connection and for carrying out secure transmission of the content to a second apparatus over a second network connection, said information processing apparatus comprising (**abstract**):

- a first transmitting unit operable to transmit to the first apparatus a request for permission to receive the content (**col. 9, lines 3-60**);
- a first authentication unit operable to perform a first authentication procedure with the first apparatus (**col. 9, lines 3-60**);
- a receiver operable to receive a first decryption key needed to decrypt the encrypted content from the first apparatus when the first authentication procedure is successful (**col. 11, lines 15-55**);
- a decryption unit operable to use the first decryption key to decrypt encrypted content received from the first apparatus (**col. 11, lines 15-55**);
- a reencryption unit operable to reencrypt the decrypted content (**col. 11, lines 15-55, col. 12, lines 20-45**);
- a second authentication unit operable to receive authentication information from the second apparatus when a request for permission to receive the content is made from the second apparatus and to determine whether the authentication information is valid (**col. 11, lines 15-55**);
- a first obtaining unit operable to obtain identification information of the second apparatus from the authentication information is identification information when the authentication valid and to determine whether the information of the second apparatus is already stored in a storage unit (**col. 8, lines 1-65**);

- a second transmitting unit operable to transmit a second decryption key needed to decrypt the reencrypted content to the second apparatus when the authentication information is valid and a count of a total number of apparatuses having permission to receive the reencrypted content is less than a maximum value (**abstract, col. 8, lines 43-67**);
- a first counting unit operable to increment by one the count of the number of apparatuses having permission to receive the reencrypted content when the identification information of the second apparatus is not already stored in said storage unit and the count of the total number of apparatuses having permission to receive the reencrypted content is less than the maximum value (**abstract, col. 8, lines 43-67**);
- said storage unit being operable to store the identification information of said second apparatus when the identification information of the second apparatus is not already stored in said storage unit (**col. 8, lines 20-55**);  
and
- an information updating unit operable to delete the identification information stored in said storage unit and to reset the count of the number of apparatuses having permission to receive the reencrypted content when the second decryption key needed to decrypt the reencrypted content is changed (**col. 9, lines 54-67, col. 10, lines 1-45**).

**Regarding claims 2, 14, and 15**, Lee teaches wherein the another apparatus is operable to transmit the encrypted content to a plurality of further apparatuses over the network, and said information processing apparatus further comprises **(abstract)**:

- a second obtaining unit operable to obtain a first value and a second value from the another apparatus when the authentication information is valid, the first value being a number of apparatuses in the plurality of further apparatuses that are newly requesting permission to receive the encrypted content, and the second value being a total number of apparatuses in the plurality of further apparatuses **(col. 9, lines 35-67)**; and
- a second counting unit operable to increment the count of the total number of apparatuses having permission to receive the encrypted content by the first value when (i) the sum of the first value and the count of the total number of apparatuses having permission to receive the encrypted content is at most equal to the maximum value and (ii) the identification information of the another apparatus is already stored in said storage unit **(col. 9, lines 35-67)**,
- said second counting unit being operable to increment the count of the total number of apparatuses having permission to receive the encrypted content to receive the encrypted content by the second value when (i) the sum of the second value and the count of the total number of apparatuses having permission to receive the encrypted content is at



most equal to the maximum value and (ii) the identification information of the another apparatus is not already stored in said storage unit (**col. 9, lines 35-67**).

**Regarding claim 8**, Lee teaches a third transmitting unit operable to transmit, to the first apparatus, the count of the number of apparatuses having permission to receive the content (**col. 9, lines 35-67**).

**Regarding claims 12 and 13**, Lee teaches wherein the authentication information includes first authentication information and second authentication information, and said authentication unit includes (**col. 10, lines 25-55**):

- a first authentication subunit operable to receive the first authentication information from the another apparatus when the another apparatus requests permission to receive the encrypted content, and to determine whether the first authentication information is valid (**col. 10, lines 25-55**); and
- a second authentication subunit operable to transmit a request for the second authentication information to the another apparatus when the first authentication information is valid, to receive the second authentication information from the another apparatus, and to determine whether the second authentication information is valid (**col. 10, lines 35-67**);
- said transmitting unit being operable to transmit the decryption key to the another apparatus when the second authentication information is valid and the count of the total number of apparatuses having permission to receive the encrypted content is less than the maximum value (**col. 11, lines 1-55**).

**Conclusion**


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571)272-5861. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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